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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,737	05/30/2001	Takuya Kotani	B588-020	6807

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EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,737

Applicant(s)

KOTANI, TAKUYA

Examiner

CamLinh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-27 and 30-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-27 and 30-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendments to claims 1, 22, 39 – 40, 43 are acknowledged. Consequently, claim 1 - 6, 9 - 27, 30-43 are currently pending. Claims 7- 8, 28 – 29 are cancelled.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/16/2004 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1 – 6, 9 - 16, 19 – 27, 30 – 37, 39 – 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patton et al (U.S. 6,408,301) in view of Jernigan, IV et al (U.S. 5,574,907).
 - ◆ As per claim 1, 22, 39 – 40, 43,

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Patton et al discloses an information processing method for storing binary data and metadata related to the binary data into a storage medium, comprising:

- “An allocation step of allocating a first block storage area that is a continuous area capable of storing metadata of the plurality of files on said storage medium” See col. 3 lines 43 – 60, col. 4 line 20 – 23. When Patton stores the metadata into the system, this area corresponds to the “first storage area”.
- “A first storage step of storing said metadata into said metadata storage area” See Fig.1, col. 4 line 20 – 28.
- “A second storage step of storing binary data related to said metadata into a second storage area” See Fig. 1, col. 4 line 39 – 45.
 - The “binary data” corresponds to “still image data” (col. 4 line 43).
 - The “second storage” corresponds to the area that stored the image data.
- “A third storage step of storing link information that links said metadata stored... with said binary data” See col. 4 line 45 – 47.
 - The “link information” corresponds to the “image links” (col. 2 line 23 – 35).
 - “The third storage” corresponds the area that stored the image links.
- “Link information is stored into an area adjacent to an area where said metadata is stored”. The “image link” is derived from the metadata, and is stored in the disk 16 in Fig. 3. Therefore, the “link information” must be stored adjacent with the metadata.

However, Patton et al does not specifically disclose the order of storing the binary data, metadata, and linking data. Nonetheless, such is not a patentable distinction. One of ordinary skill in the art would have recognized that either the metadata or the binary data might have

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been stored first. The choice of sequence provides no unexpected or unobvious result. The ordinary skilled artisan would have recognized that the linking of metadata to binary data would have to occur after those two types of data had been captured and stored. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to practice the invention in different sequence steps such as capture and store either binary data or metadata first, because the choice of sequence provides no unexpected or unobvious result.

Patton does not clearly disclose that the storage area is a continuous area. However, Jernigan, on the other hand, discloses a method for defragmenting file data stored on a disk. There are two stages required. First, rearranges the File allocation Table (FAT) and Microsoft DoubleSpace File Allocation Table (MDFAT) entries into adjacent clusters. Second, moves the data into adjacent variable length clusters such that the data is stored in adjacent sectors with no intervening vacant sectors (col. 8, lines 44 – 49, Jernigan). The FAT and MDFAT can be considered as the linking information of the file.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Jernigan into the invention of Patton, so that storing metadata, binary data, and the linking information in a continuous area because it is desirable to defragment the disk such that all files are stored in contiguous clusters. Defragmentation speeds access times and lessens the mechanical wear of the head assembly because an entire read or write request can be executed without requiring multiple head movements between non-contiguous clusters with the spin delay associated therewith (col. 4, lines 38 – 44, Jernigan).

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◆ As per claim 2, 23, the combination of Patton and Jernigan disclose:

- “Adjacent area is a sector next to the area where said metadata is stored”. See col. 8, lines 45 – 49, Jernigan.

◆ As per claim 3, 24, the combination of Patton and Jernigan disclose:

- “An adjacent area having a fixed length is allocated” See col. 5 line 1 of Patton.

◆ As per claim 4 - 5, 25 – 26, the combination of Patton and Jernigan disclose:

- “Link information is described as a path and a file name of said binary data” See col. 4 line 45 – 47 of Patton. Patton discloses the “address pointer” that corresponding image sequence. Therefore, this address corresponds to the “path and file name”.

◆ As per claim 6, 27

Claims 6, 27 include all limitation in claim 1 and 22 further include a registration step of registering link information (See col. 4, lines 2 – 6, col. 8, lines 57 – 61, Jernigan).

◆ As per claim 9, 30, the combination of Patton and Jernigan disclose:

- “Metadata storage area is allocated in a portion in said storage medium that can be accessed at high speed”. Patton discloses that an index is created of all of the image links (See the abstract of Patton), and this index is communicated to the user. The user will access the objects by searching this index. Therefore, this index must be stored in a portion that can be accessed at high speed.

◆ As per claim 10, 21, 31, the combination of Patton and Jernigan disclose:

- “Storage medium is a magneto-optic disk” See col. 3 line 54 – 60 of Patton.

◆ As per claim 11 - 12, 32 – 33, the combination of Patton and Jernigan disclose:

Claims 11 – 12 include: “generating an area file having a size the same as that of said metadata storage area and holding the file on said storage medium”. Patton teaches that the user can control the frames will be captured (col. 3 line 66 – col. 4 line 1 of Patton). As noted above, the metadata also automatically recorded with the image (see col. 4 line 20 – 28 of Patton). Therefore, the user can generate an area file having the same size as metadata storage area. It is logical steps for delete an area file, then stored metadata from the start position of an area.

◆ As per claim 13 - 15, 34 – 36, the combination of Patton and Jernigan disclose:

- “First storage area is allocated in a directory where said binary data is stored” See col. 4 line 64 – 67 of Patton.

◆ As per claim 16, 37, the combination of Patton and Jernigan disclose:

- “Metadata includes description of information specifying related binary data” See col. 4 line 27 – 39 of Patton.

◆ As per claim 20, the combination of Patton and Jernigan disclose:

- “Binary data is at least one of still image data, video data, sound data and music data”
See Fig. 4 of Patton. Patton discloses that the binary data that stored can be an image, sound or music.

◆ As per claim 41 – 42, the combination of Patton and Jernigan disclose:

- As discussed above, the metadata and binary data can be stored as a single file. It would have been obvious to one with ordinary skill in the art at the time the invention was made to store them continuously in a single file because the method would provide an easier, and faster process in retrieving data.

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3. Claims 17 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patton et al (U.S. 6,408,301) in view of Jernigan, IV et al (U.S. 5,574,907) as applied to claims 1 – 6, 9 – 16, 19 – 27, 30 – 37, 39 – 43 above, and further in view of Levy et al (U.S. 6,505,160).

♦ As per claim 17 - 18, 38,

The combination of Patton and Jernigan fails to disclose “Metadata is described in a predetermined data description language such as XML, SGML, and TIFF)”

However, Levy, on the other hand, discloses that the connection between the server and user may be wire or wireless connection using standard wire or wireless communication like XML (See col. 5 line 59 – 66, Levy).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Levy into the combination of Patton/Jernigan because the communication protocols like XML, HTML are well known and are standard communications.

Response to Arguments

1. Applicant's arguments with respect to claims 1 – 6, 9 – 27, 30 – 43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is 703 - 305-1951. The examiner can normally be reached on Monday-Friday.

From October 25, 2004, the Examiner can be reached at a new phone number: 571 –

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272 – 4024.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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